

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL LEAK,

Plaintiff,

v.

Case No. 22-10962

JODI DEANGELO, *et al.*,

Sean F. Cox

United States District Court Judge

Defendants.

ORDER

ADOPTING REPORT AND RECOMMENDATION (ECF NO. 27)
AND GRANTING MOTION TO DISMISS

Plaintiff Michael Leak (“Plaintiff”) filed this *pro se* civil rights action, pursuant to 42 U.S.C. § 1983, against Defendants on April 27, 2022. This matter was referred to Magistrate Judge Elizabeth Stafford for all pretrial proceedings.

In a Report and Recommendation (“R&R”) issued on February 9, 2024, Magistrate Judge Stafford addressed a Motion to Dismiss filed by Defendants, wherein they raise several challenges. In the R&R, the magistrate judge recommends that the Court Defendant’s Motion to Dismiss under Fed. R. Civ. P. 12(b)(6), without addressing the issue of exhaustion. (ECF No. 27).

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a magistrate judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. The district judge to whom the case is assigned reviews those objections, and any response to the objections from the opposing party. “The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return

the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3).

The time permitted for the parties to file objections to that Report and Recommendation has passed and no objections were filed.

Accordingly, the Court **ADOPTS** the February 9, 2024 Report and Recommendation and **ORDERS** that Defendant’s Motion to Dismiss is **GRANTED** and this action is **DISMISSED**.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: March 6, 2024